IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 16112 of 2007(R)

PETITIONERS:

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1. SAJEEV, S/O V.V.RAMAKRISHNAN,
   VALLOMPARAMBATH PANICKASSERY, PULLOOT,
   KODUNGALLUR.

2. ANIL KUMAR, S/O V.V.RAMAKRISHNAN,
   VALLOMPARAMBATH PANICKASSERY, PULLOOT,
   KODUNGALLUR.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, THRISSUR.

3. THE TAHSILDAR, KODUNGALLUR.

4. THE VILLAGE OFFICER,
   LOKAMALLESWARAM VILLAGE, KODUNGALLOOR.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.16112/07

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1:	TRUE COPY OF THE FINAL JUDGMENT IN O.S.100/1982, MUNSIFF COURT, KODUNGALLOOR.
EXT.P1(A):	TRUE COPY OF THE FINAL DECREE IN O.S.100/1982 MUNSIFF COURT, KODUNGALLOOR.
EXT.P2:	TRUE COPY OF THE DOCUMENT NO.4282/1986.
EXT.P3:	TRUE COPY OF THE DOCUMENT NO.1241/2006.
EXT.P3(A):	TRUE COPY OF THE DOCUMENT NO.3647/2006.
EXT.P3(B):	TRUE COPY OF THE DOCUMENT NO.1996/2006.
EXT.P4:	TRUE COPY OF THE G.O.(MS)NO.1026/85/RD.
EXT.P4(A):	TRUE COPY OF THE G.O.566/95/RD.
EXT.P5:	TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN O.P.NO.28189/1999.
EXT.P6:	TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN O.P.NO. 19892/1999.
EXT.P7:	TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENTS IN O.P.NO.19892/1999.
EXT.P8:	TRUE COPY OF THE NOTICE ISSUED (AFFIXED AT THE PREMISES ON 24.5.2007 BY THE 2ND RESPONDENT.)
EXT.P9:	TRUE COPY OF THE NEWS REPORT APPEARD IN SAYANNA KAIRALI.
EXT.P9(A):	TRUE COPY OF THE NEWS REPORT APPEARED IN SAYANNA KAIRALI.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 16112 OF 2007

DATED THIS THE 12th DAY OF JUNE, 2007

JUDGMENT

The petitioners challenge Ext.P8 notice by which the petitioner has been directed to vacate the premises mentioned therein within twenty four hours. The petitioners submit that the petitioners have been holding the land as 'Kuthakapattam lease and the right of the petitioner has been recognised by this Court as per Ext.P5 judgment which still holds good. The petitioners submit that the petitioners were denied an opportunity to present all these facts before the 3rd respondent since the petitioners are not given a notice prior to issuing Ext.P8 direction.

2. I have heard the learned counsel for the petitioners as also the learned Government pleader. Nothing has brought on record before me to show that Ext.P8 has been preceeded by a notice or hearing. That being so, on that ground alone, Ext.P8 is liable to be quashed. I do so.

3. In the above circumstances, I direct the 3rd respondent to take fresh decision after giving notice to the petitioners, giving them an opportunity to adduce evidence, hearing them and passing a speaking order, considering the documents produced by them

including Ext.P5 judgment of this Court. The petitioners shall not be evicted except after passing such an order.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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